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ABSTRACT

This document consists of the six issues of the "Abbott Bulletin" published during 1998. The "Abbott Bulletin" is a one-page per issue newsletter that reports on developments in response to a set of rulings by the New Jersey Supreme Court in the Abbott v. Burke case. In its fifth ruling in the Abbott case in May 1998, the Court directed the New Jersey Department of Education to issue regulations and guidelines for an extensive package of programs in the 28 Abbott case school districts. Issue number 1 describes the deadlines established for implementation of early childhood education programs under the Abbott rulings. High quality early education for all 3- and 4-year-olds and state-funded improvements to make the Abbott district schools safe and educationally adequate were set to begin in August 1998. The second issue describes the requirements for the early education programs, which must meet the particularized needs of each district's children, must be of high quality, and must receive state funding. In the third issue, guidelines are set out for the school districts plans for educational facilities, again with state funding. The fourth issue contains an update on the facilities planning process and the extension of the deadline plan completion to March 15, 1999. Issue 5 outlines the requirements the New Jersey State Department of Education has given for supplemental program plans for middle and high schools under the Abbott rulings. Number 6 describes the planning for school-based management plans as required under the Abbott rulings. School-based management under the Abbott rulings is unique because it is driven by the program needs of the school's students, and not limited by a pre-set funding amount. (SLD)

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Education Law Center
New Jersey

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EDUCATION LAW CENTER - ABBOTT BULLETIN
Volume 1: No. 1 September 9, 1998

David G. Sciarra, Executive Director

DEADLINES FOR *ABBOTT* EARLY CHILDHOOD AND FACILITIES PLANS SET

On July 17, 1998, the Department of Education adopted regulations in response to the landmark rulings by the NJ Supreme Court in the *Abbott v. Burke* case. In its fifth ruling in *Abbott* in May 1998, the Court directed the DOE to issue "regulations and guidelines" to implement an extensive package of programs in the twenty-eight (28) Abbott districts.

Among the programs ordered by the Court are (1) intensive, high quality early education for all three and four year-olds; and (2) state-funded improvements to make the Abbott district schools safe and educationally adequate. The Court also set fixed deadlines for implementation of these programs. Early childhood education programs must begin by September 1999. Facilities construction and improvements must begin by Spring 2000.

For both programs, the DOE regulations require each Abbott district to prepare and submit plans for DOE review. The regulations fix very tight deadlines for the submission of the these plans. Abbott districts must submit an early childhood education "Operational Plan" by November 2, 1998. The districts must submit a "Five-Year Facilities Management Plan by January 15, 1999. Following are the key dates and activities established by DOE:

Early Childhood Education

"Community planning process" to assess need and options for collaborations with community-based programs	Start August 1998
Develop "Operational Plan" for implementing earlyeducation programs by September 1999	August to October 1998
Districts submit "Operational Plans" to DOE for review	November 2, 1998

Educationally Adequate School Facilities

Districts establish "Facilities Advisory Board" to help develop Five Year Facilities Management Plan	Start August 1998
Districts project enrollment and assess educational adequacy of existing buildings	Start August 1998
Districts submit Five-Year Facilities Management Plan to DOE for review	January 15, 1999

Abbott requires that the districts develop their early childhood education and facilities improvement plans based on the "particularized need" of their students, not just on the funds currently available. Abbott also

requires that the DOE give "deference" to the districts' needs-based plans. DOE must also secure more funding from the Legislature if needed to implement the plans.

These plans will determine the type of program and the amount of funds the state will make available to each district for these programs. It is critical that the plans be based upon a thorough and complete assessment of student/child need. Get involved! If you need help, contact us!

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ABBOTT BULLETIN

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David G. Sciarra, Executive Director

Abbott

Early Education: What Does the Court Say?

Abbott districts are now preparing plans for early childhood education programs to comply with the Supreme Court's decision in Abbott v. Burke. Abbott requires the districts to provide early education for all three and four year-olds by September 1999. The Department of Education has directed the Abbott districts to submit their plans for review by November 2, 1998.

The Supreme Court has established certain requirements for early education programs. The programs designed by the Abbott districts must meet these basic Abbott requirements:

1. Programs must meet the "particularized needs" of each district's children.

Abbott districts must provide half-day education programs for all three and four year old children as "an initial reform," or minimum program. The districts must also provide more than a half-day program – a full- or extended-day and/or extended-year program – if the actual or "particularized" needs of the children in the district require more in order "to reverse the educational disadvantages of those children." To design their programs, the Abbott districts must conduct a comprehensive assessment of the needs of its own children for early education. With this information and data, each district can decide whether to offer its children the minimum half-day program or more.

2. All programs must be of high quality.

Abbott requires all programs to be "well planned, high quality," and "intensive." The programs must meet several indicators of quality established by the Supreme Court: instruction by certified and well-trained teachers; a developmentally appropriate curriculum; classes no larger than 15 with a teacher and assistant teacher; linkage of curriculum to whole school reform in the primary grades; safe and adequate facilities; and transportation, health and other related services. The programs must be designed to fulfill the Court's objective: "year-by-year improvement" of language, discipline, and other skills so that children are "education-ready" when they enter kindergarten.

3. The State must provide funding and facilities.

The State must fully fund the Abbott districts' early education programs, including funds for temporary and permanent facilities. If a district's programs require more funding than is currently available to it, the district must request additional funding from the state. The Commissioner must then provide the funds. Further, if a district decides to use community-based programs, and additional funds are needed to expand or to enhance the quality of the programs, the Commissioner must also provide such funds.

Contact our office for more detailed information on Abbott early childhood education.

EDUCATION LAW CENTER - *ABBOTT BULLETIN*

Volume 1: No. 3 October 15, 1998

David G. Sciarra, Executive Director

GUIDELINES FOR ABBOTT DISTRICTS' FACILITIES PLANS

Each Abbott district has been ordered by the Supreme Court to assess its need for facilities and prepare a plan for a five-year facilities improvement program to be fully funded by the State. These "Five-Year Facilities Management Plans" must be submitted to the Commissioner of Education by January 15, 1998 (extended to March 15, 1999).

The Court-ordered planning process is underway in each district. Involvement by parents, teachers, community leaders and school board members is critical to make certain that plans meet the three basic criteria established by the Supreme Court for facilities in the Abbott districts:

1. Facilities must be physically and educationally adequate.

Abbott requires that all schools in the Abbott districts must be "adequate" in three basic ways. Schools must be (a) be safe, in good repair, and in compliance with building codes; (b) provide instruction appropriately-sized classes and not in overcrowded classrooms; and (c) contain all spaces necessary to provide a rigorous curriculum based on the State's core curriculum content standards (library, gym, auditorium, art and music rooms, science labs, etc.), special education programs and needed supplemental programs (early childhood programs, small reading classes, health and social services, parent involvement programs, etc.).

2. Facilities must serve the particularized needs of Abbott students.

Abbott requires that schools serve the needs of students in each Abbott district. This means that each district must decide what classrooms and specialized spaces are necessary for their own students to achieve the State content standards and to provide special education and needed supplemental programs. Abbott does not impose a "one size fits all" school design or model but, instead, requires each Abbott district to develop its own design standards for elementary, middle and high schools based on the "particularized needs" of its own students, and not on any fixed model from the State.

3. The State must fully fund adequate facilities.

The Abbott districts are property-poor and incapable of raising the funds necessary to provide adequate schools. As result, Abbott places the responsibility for facilities improvements squarely on the State. The State must fully fund the complete cost of building repairs, eliminating classroom overcrowding and providing all needed instructional and other spaces, either by renovating existing schools and/or by building new schools. Decisions about whether to renovate or build new schools must be made by each district in its Facilities Plan.

Please contact our office for more detailed information on Abbott facilities plans and improvements.

EDUCATION LAW CENTER - *ABBOTT BULLETIN*

Volume 1: No. 4 November 25, 1998

David G. Sciarra, Executive Director

Update on Facilities Planning Process

Abbott districts and their architects and advisory boards have raised numerous concerns about the time-lines and process for completing the Five-Year Facilities Management Plans required by the Supreme Court. We have participated in meetings with Department of Education staff and district superintendents to discuss these concerns. As a result of these discussions, the DOE has agreed to extend the deadline for completion of the plans and to provide additional guidance, as follows:

1. Extension of deadline for plans

The Commissioner, the Abbott superintendents and ELC have agreed to push back the deadline for completion of the plans by two months - from January 15 until March 15, 1999 - to accommodate delays caused by the DOE software. DOE has also provided assurance that if specific districts need even more time to complete their plans, the Commissioner will consider extensions on a case-by-case basis. Conversely, districts can submit plans for review earlier than March 15, and are encouraged to do so.

2. Flexibility in amending plans

In the next few years, Abbott districts will be implementing whole school reform, supplemental programs and other changes that will affect their facilities needs. DOE staff has indicated that the facilities plans to be submitted on March 15 are subject to change in the future. In addition, the DOE has provided assurance that these plans will be open to future amendment or modified as circumstances develop and change.

3. Use of the State's prototype school models

The Supreme Court requires the districts to include in their facilities plans, and the State to fund, all improvements needed to provide a high quality educational program, including supplemental programs. DOE staff has provided assurance that they view the DOE prototype school models as only minimum standards, and that each district can - and must - exceed these minimums in their facilities plans, if the particularized needs of students in the districts require more space. The DOE also recognizes that the State must fund not only designs based on the minimum standards, but those that exceed those standards in order to meet particularized needs.

4. DOE guidance

DOE staff have indicated that they will provide more guidance on the facilities planning software, as well as further instructions for planning more generally.

EDUCATION LAW CENTER - *ABBOTT BULLETIN*

Volume 1: No. 5 December 1, 1998

David G. Sciarra, Executive Director

Supplemental Program Plans for Middle and High Schools

Abbott middle and high schools recently received "Instructions and Forms" for "Required Supplemental Programs" from DOE. Schools and districts were given less than two weeks - or by December 1, 1998 - to file "Two-Year Plans" for DOE review. These Instructions raise the following concerns and we ask that you address them either in your Plan (if it has not yet been filed) or in a follow-up amendment:

* We ask that you present your Plan as preliminary only, and not final. School-management teams (SMT's) have just formed, and have had no time to assess the "particularized needs" of students and/or engage in any serious process of planning supplemental programs to meet student need. Such assessment is essential under *Abbott*, particularly for plans covering two school years.

* We ask that you file your Plan as "subject to amendment or modification" as SMT's become more adept at both assessing student need and planning programs and budgets. This will also allow your Plan to evolve over time, as SMT's become more established and learn more about particularized student need.

* We ask that your Plan address two minimum/required supplemental programs that do not appear on the list in the DOE's Instructions: a drop-out prevention coordinator and parent participation program. Please include these required programs in your Plan.

* We ask that you specify in your Plan that the community services coordinator will have the responsibility to conduct an assessment of the needs of the school's students for social and health services; determine the availability of existing community-based programs; and decide whether such programs ***or*** school-based services are effective and efficient in delivering services to the school's students. *Abbott* requires the CCS to perform these tasks, so that your school has "an effective and realistic opportunity....to provide on-site services that go beyond mere referral and coordination."

* We ask that you request an extension in filing your Plans, if the SMT has difficulty in meeting the DOE's December 1st deadline.

Please send us your school's plan when they are filed. This will help us monitor implementation for compliance with the *Abbott* requirements for supplemental programs in middle and high schools.

EDUCATION LAW CENTER - *ABBOTT BULLETIN*

Volume 1: No. 6 December 14, 1998

David G. Sciarra, Executive Director

School-Based Management in Abbott Schools

Abbott requires school-based management. Within three years, every Abbott school must be managed by a school management team (SMT) comprised of teachers, principal and parents. SMTs were formed this year in an initial group of elementary schools and all secondary schools. The SMT's job is to make sure that the school has all the standards-based and supplemental programs required by (a) the content standards, (b) the Abbott rulings, and (c) assessments of the particular academic, social and health needs of students. SMTs are also empowered to prepare a budget to provide for Abbott programs.

School-based management under Abbott is unique because it is driven by the program needs of the school's students, and is not limited to a pre-set funding amount. School-based planning and budgeting under Abbott involves eight critical steps:

Step 1 Assess the students' academic, social, and health needs.

Step 2 Plan a rigorous standards-based education program in all the subject areas covered by the standards for all students, including students with disabilities and limited English proficiency. Program planning must also be consistent with the whole school reform model, in those schools that have adopted a model.

Step 3 Plan all required supplemental programs: minimum programs plus needs-based programs.

Step 4 Evaluate current standards-based education and supplemental programs and determine whether each program should be continued, improved or eliminated.

Step 5 Prepare a budget for the total school-based plan including the costs for all programs, support services and administration.

Step 6 Identify and total all currently available funding, including funds for any current program expenditures that will be reallocated under the new school-based plan.

Step 7 Determine whether such funding can successfully provide all required and needed programs, or whether additional funds are necessary.

Step 8 Submit plan, budget, and particularized needs assessment data to the Commissioner if additional funds are required to implement the full plan.

For more information on school-based management in Abbott schools, contact us and ask for our *Abbott Opinion #5* (December 10, 1998).